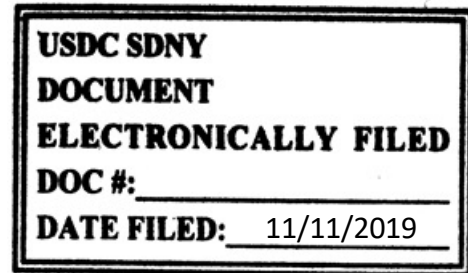


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re Actos Direct Purchaser Antitrust  
Litigation



1:15-cv-03278 (RA) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

Pending before the Court is the motion of the direct purchaser plaintiffs (ECF No. 137), pursuant to Fed. R. Civ. P. 15, for leave to file a Fourth Amended Complaint (a redline of which is filed at ECF No. 138-1) or, in the alternative, pursuant to Fed. R. Civ. P. 20, to add Meijer, Inc. and Meijer Distribution, Inc. (collectively, "Meijer") as parties. It appears that there is no opposition to this motion, as the time to respond to the motion has expired. However, the Court will not grant the proposed Order in its present form (*see* ECF No. 137-1), as it purports to grant relief in the alternative, *i.e.*, both the motion to amend and the motion to add parties.

If the motion to amend is granted, then the defendants would need to respond to the Fourth Amended Complaint. If, in the alternative, the motion to add the Meijer parties is granted, then the Third Amended Complaint would be the operative pleading. Within seven days of the date of this Order, the direct purchaser plaintiffs, after consultation with the defendants, shall submit a new proposed order setting forth which relief plaintiffs seek to have granted.

**SO ORDERED.**

DATED: New York, New York  
November 11, 2019

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON  
United States Magistrate Judge